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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application Of: Hutton

Our File No: 12M-24 US CIP

Application No: 10/758,225

Group Art Unit: 3641

Filed: January 16, 2004

Examiner: Bergin, James S.

Title: Flexible over the wing passenger loading bridge

October 06, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450, U.S.A.

**Declaration Under 37 CFR 1.132**

Sir:

I, Neil Hutton, the applicant of the above-identified patent application and the inventor of the subject matter described and claimed therein, depose and state:

1. The attached five (5) photographs were taken on September 26, 2003, at Albany, New York. The subject of the attached five (5) photographs is a single passenger boarding bridge during installation at one of the gates at the Albany International Airport in Albany, New York. To the best of my knowledge, this is the first public demonstration or use of this specific passenger boarding bridge.

2. The attached five (5) photographs show different views of the passenger boarding bridge including a portion for extending over the wing of an aircraft and having an outboard tunnel section pivotally connected to an inboard tunnel section, and also show a hydraulic mechanism for adjustably moving the outboard tunnel section relative to the inboard tunnel section about the pivotal connection that is disposed therebetween.

3. The features described at point 2 above were disclosed previously in United States Patent Application 10/354,002, now United States Patent 6,789,286, which is a divisional of United States Patent 6,526,615 filed on February 19, 2002 as United States Patent Application 10/076,399, which

claimed the benefit under 35 U.S.C. 119(e) of United States Provisional Patent Application 60/352,850, filed on February 1, 2002. United States Patent 6,789,286 is the parent of the instant CIP Application. Furthermore, United States Provisional Patent Application 60/352,850 fully supports the subject matter that is disclosed in the parent application. In particular, Figures 3a-3d and 4a-4b of United States Patent 6,789,286 teach all of the features that are present in the five (5) photographs dated September 26, 2004. For instance, Figures 4a and 4b show an inboard tunnel section 2 pivotally connected to an outboard tunnel section 6, and a hydraulic cylinder 18 mounted at opposite ends thereof to the inboard tunnel section 2 and to the outboard tunnel section 6. It should be noted that by varying the distance between the opposite ends of the cylinder 18, the angle between the inboard tunnel section 2 and the outboard tunnel section 6 is controllably varied (as shown at Figures 4a and 4b, for instance). Furthermore, operation of the passenger loading bridge is described in detail at column 11, line 20 to column 12, line 21 of United States Patent 6,789,286. At column 11, line 65, reference is made (by way of example) to a not illustrated winch controller which (during use) receives a control signal from a processor for either winding-on or unwinding cable so as to vertically swing the outboard portion of the passenger loading bridge relative to the inboard portion.

4. The earliest effective filing date of the subject matter that is claimed at independent claims 1, 15, 30, and 43 of the instant CIP application is believed to be February 1, 2002, which is earlier than the September 26, 2003 date of the attached five (5) photographs.

5. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

6. All statements made of declarant's own knowledge are true and all statements made on information and belief are believed to be true.

Signed,

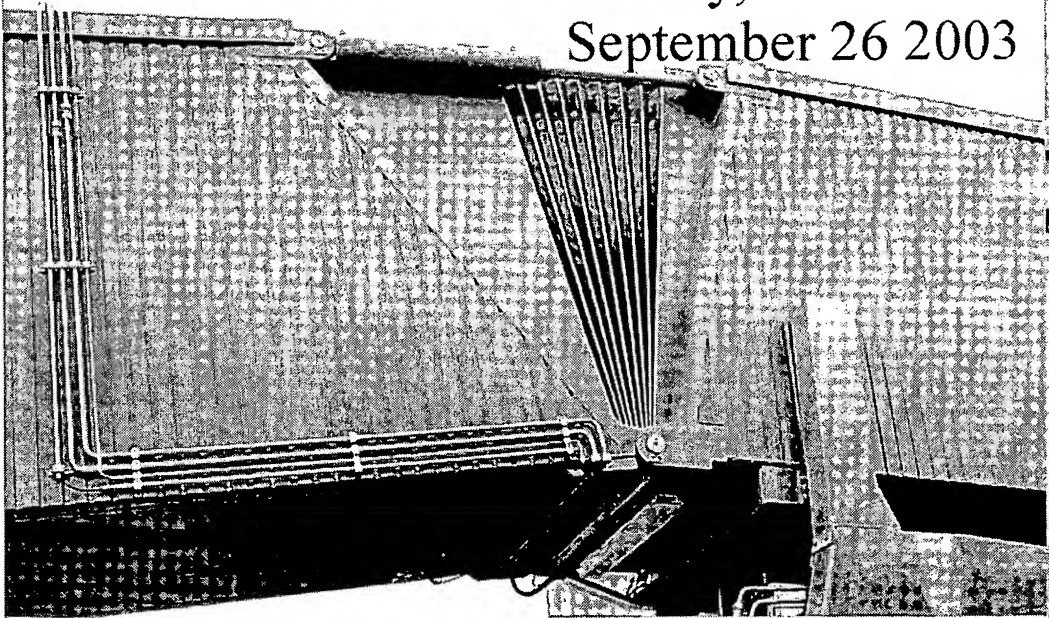
Neil Hutton

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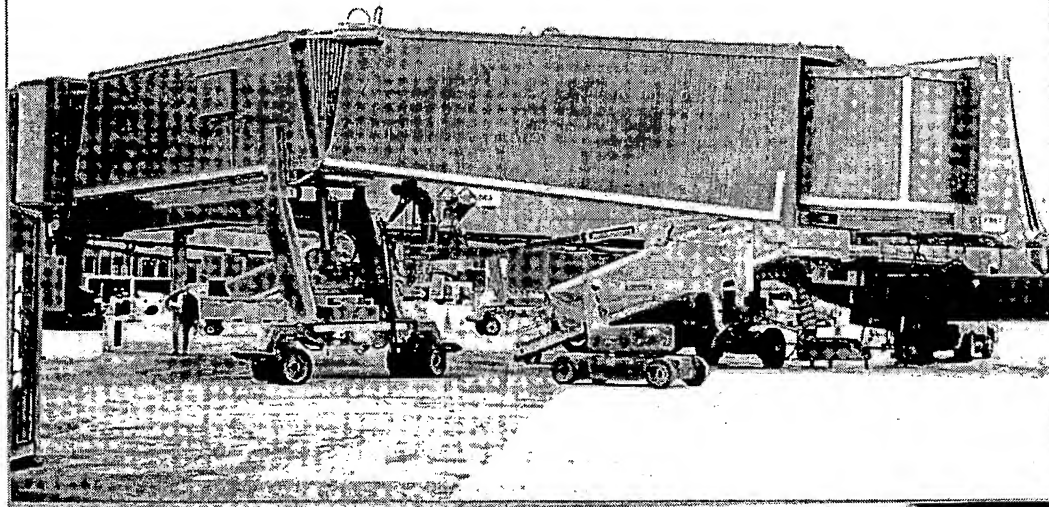
7 October 2004,

Date

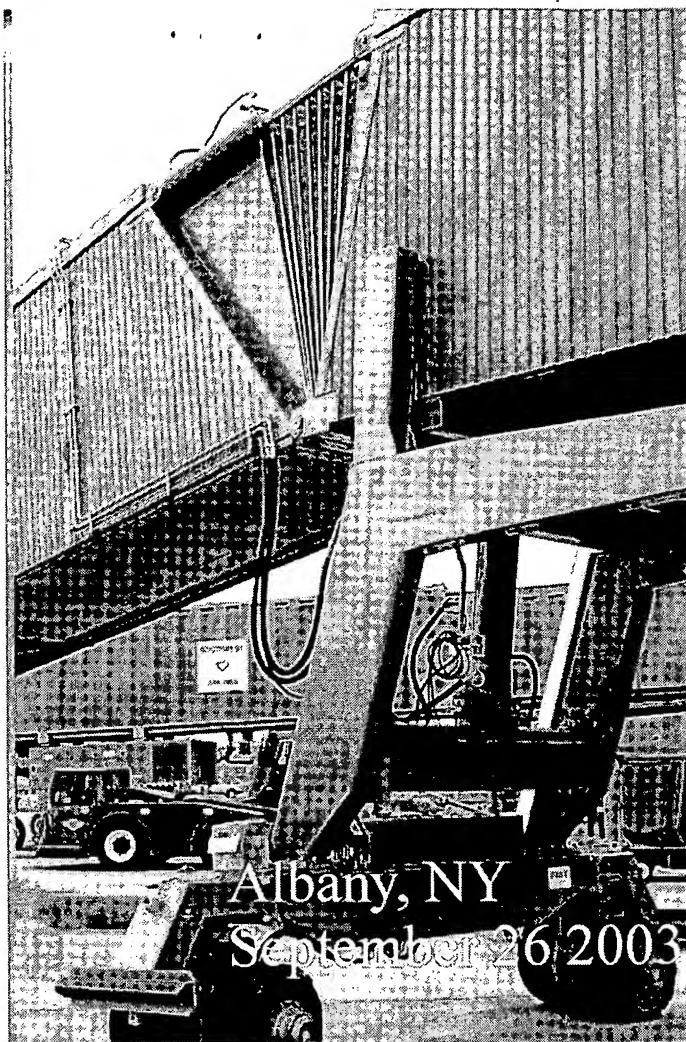
Albany, NY  
September 26 2003



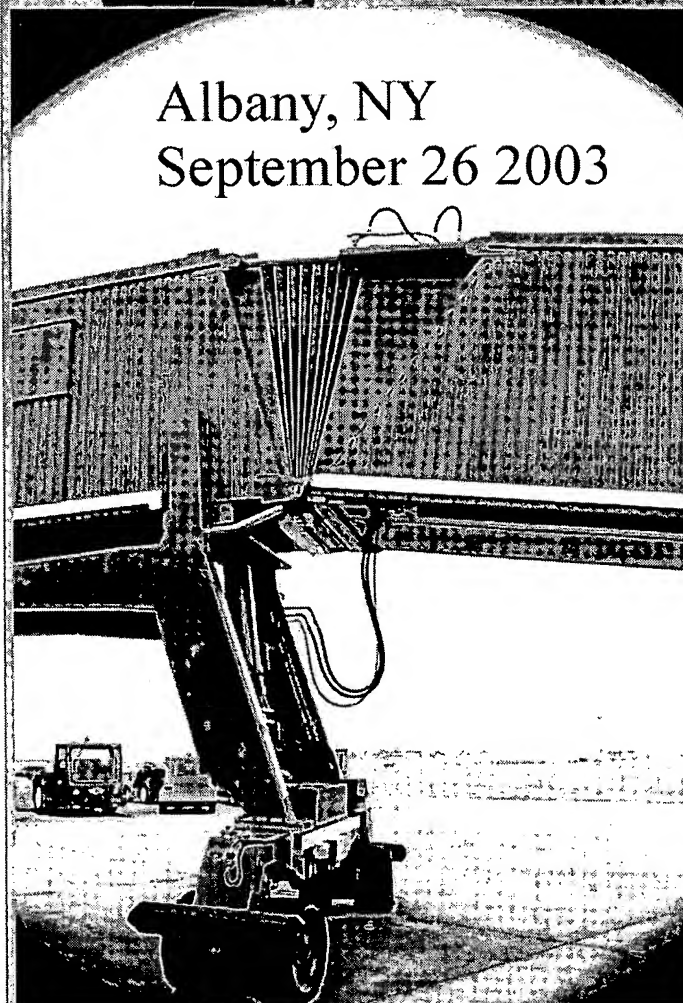
Albany, NY  
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